

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

7 WEST 57TH STREET REALTY COMPANY,
LLC,

Plaintiff,

- against -

CITIGROUP, INC.; CITIBANK, N.A.; BANK OF
AMERICA CORP.; BANK OF AMERICA N.A.;
BARCLAYS BANK PLC; UBS AG; JPMORGAN
CHASE & CO.; JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION; CREDIT SUISSE
GROUP AG; BANK OF TOKYO-MITSUBISHI
UFJ LTD.; COOPERATIEVE CENTRALE
RAIFFEISEN-BOERENLEENBANK B.A.; HSBC
HOLDINGS PLC; HSBC BANK PLC; HBOS
PLC; LLOYDS BANKING GROUP PLC; ROYAL
BANK OF CANADA; THE NORINCHUKIN
BANK; ROYAL BANK OF SCOTLAND GROUP,
PLC; WESTLB AG; WESTDEUTSCHE
IMMOBILIENBANK AG, DEUTSCHE BANK
AG,

Defendants.

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DATE FILED: 10/17/2014

ORDER

13 Civ. 981 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiff 7 West 57th Street Realty Company, LLC – the assignee of Sheldon H. Solow – filed this action against Defendants Citigroup, Inc.; Citibank, N.A.; Bank of America Corp.; Bank of America N.A.; Barclays Bank Plc; UBS AG; JPMorgan Chase & Co.; JPMorgan Chase Bank, National Association; Credit Suisse Group AG; Bank of Tokyo-Mitsubishi UFJ Ltd.; Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A.; HSBC Holdings Plc; HSBC Bank Plc; HBOS Plc; Lloyds Banking Group Plc; Royal Bank of Canada; The Norinchukin Bank; Royal Bank of Scotland Group, Plc; WestLB AG; Westdeutsche Immobilienbank AG; and Deutsche Bank AG, alleging that Defendants colluded to manipulate the London InterBank

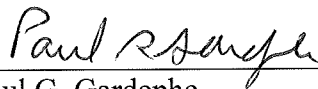
Offered Rate for the U.S. dollar (“USD-LIBOR”) in 2008. (Am. Cmplt. (Dkt. No. 95)) Plaintiff claims that Defendants – who are members of the British Bankers Association (the “BBA”), and who were responsible for submitting interest rates that the BBA used to calculate USD-LIBOR in 2008 – violated Section 1 of the Sherman Act, 15 U.S.C. § 1; the Clayton Act, 15 U.S.C. § 12 et seq.; the Racketeer and Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1961 et seq.; and New York’s Donnelly Act, N.Y. Gen. Bus. Law § 340. (Am. Cmplt. (Dkt. No. 95) ¶ 1) Defendants have moved to dismiss the Amended Complaint (Dkt. No. 114), and that motion is now fully briefed.

In a September 30, 2014 letter, Plaintiff proposes that the parties provide supplemental briefing regarding Defendants’ motion to dismiss, in light of recent legal developments in LIBOR-related cases since the parties submitted their briefs. (Dkt. No. 129) In addition, while the motion has been pending, the Second Circuit decided European Cmty. v. RJR Nabisco, Inc., 764 F.3d 129, 132 (2d Cir. 2014), which may be relevant to Plaintiff’s RICO claim. Accordingly, to the extent the parties wish to submit supplemental briefing on these issues, it is hereby ORDERED that the following schedule will apply:

1. Plaintiff’s brief is due on **October 31, 2014.**
2. Defendant’s brief is due on **November 14, 2014.**

Dated: New York, New York
October 17, 2014

SO ORDERED.



Paul G. Gardephe
United States District Judge